

**Tennessee Victims' Coalition  
Board of Directors  
Review of Alleged Improper Conduct by Chairperson**

**February 2002**

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STATE OF TENNESSEE  
**COMPTROLLER OF THE TREASURY**

State Capitol  
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John G. Morgan  
Comptroller

February 25, 2002

The Honorable Don Sundquist, Governor  
and  
Members of the General Assembly  
and  
The Honorable Steve Adams, Treasurer  
State Capitol  
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is a special report on our review of alleged improper conduct by Ms. Elizabeth Riley, Chairperson, Tennessee Victims' Coalition (hereinafter referred to as the coalition). On August 29, 2001, Ms. Joy Nicholson, the daughter of Mr. William Hardy Ralls, contacted our office regarding alleged inappropriate conduct by Ms. Riley. At the time of the alleged inappropriate conduct, Mr. Ralls was a terminally ill cancer patient residing in the Manchester Health Care Center nursing home in Manchester, Tennessee. Mr. Ralls entered the nursing home in November 2000 and died on May 21, 2001.

Ms. Nicholson alleged that Ms. Riley, acting in her official capacity as the coalition's chairperson, became involved in a family dispute between Mr. Ralls' two daughters and his sister regarding his care. Ms. Nicholson specifically alleged that Ms. Riley actively participated with Mr. Ralls' sister in an improper scheme to remove him from his nursing home. Ms. Nicholson also alleged that Ms. Riley improperly attempted to obtain Mr. Ralls' confidential medical records from the nursing home and interfered with his funeral arrangements.

The Tennessee Victims' Coalition was established by Chapter 351 of the Public Acts of 1991, incorporated in *Tennessee Code Annotated*, Sections 4-41-101 through 4-41-106. As specified by *Tennessee Code Annotated*, Section 4-41-106(a)(1), the coalition is a private nonprofit organization. That section also states that the coalition is not a public body or an instrumentality of the state of Tennessee. Section 4-41-106(a)(2) states that the coalition was established "to assist in associating the various victims' rights and victims' support organizations within this state under a common name for the advancement of the needs of all victims of crime and their families." With regard to funding, Section 4-41-106(a)(3) states that it was the legislative intent that the state, through resources available from the State Treasurer's Office, provide minimum levels of support in developing and otherwise perfecting the organization of the coalition.

The Criminal Injuries Compensation Fund was established by Chapter 755 of the Public Acts of 1990, incorporated in *Tennessee Code Annotated*, Section 40-24-107. Pursuant to *Tennessee Code Annotated*, Section 40-24-107(6)(e), at the end of the fiscal year the state treasurer shall determine whether moneys deposited to the criminal injuries compensation fund exceeded claim payments by at least \$100,000. If the amount does exceed \$100,000, then the state treasurer is authorized to make a grant to the Tennessee Victims' Coalition provided that the coalition submits a plan specifying the use of the moneys to the state treasurer and the plan is approved by the state treasurer. As stated by the statute, the grant authorized shall not exceed \$100,000. The Criminal Injuries Compensation Fund is now called the Criminal Victims' Compensation Fund.

The state's Criminal Victims' Compensation Fund has been the source of state funding for the coalition. For fiscal year 2002, the amount allocated for the coalition was \$100,000. Of that amount, \$50,000 has been disbursed by the Office of the State Treasurer to the coalition as of December 31, 2001.

Based on interviews with Ms. Riley and Mr. Del Clayton, the coalition's executive director, the primary purpose of the coalition is to act as a referral service for victims of crime. However, occasionally, Ms. Riley and Mr. Clayton, as well as other volunteers including current and past board members, actively participate with the victims of crime. Ms. Riley and Mr. Clayton explained that actively participating with a victim of crime includes accompanying victims to parole hearings, district attorney's offices, and court hearings.

Based on presently available information, including interviews with Mr. Ralls' family members, nursing home staff, funeral home staff, and other appropriate persons, Ms. Riley, acting in her official capacity as the chairperson of the Tennessee Victims' Coalition, improperly involved herself in a family dispute between two daughters and the sister of Mr. Ralls.

Specifically, Ms. Riley participated with Mr. Ralls' sister in an improper scheme to remove the man from his nursing home; improperly attempted to obtain his confidential medical records from the nursing home; and improperly interfered in his funeral arrangements after he had died. Moreover, based on presently available information, and as detailed in the text of this report, Ms. Riley materially misrepresented her role in these events to the auditors when she was asked to provide an explanation of her activities.

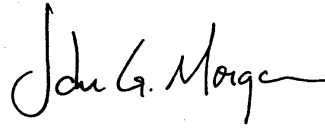
Our review also disclosed an additional issue. In an interview, Ms. Riley stated that she was a volunteer for the coalition and was not paid for her volunteer work. However, Mr. Clayton stated that \$21,000 of the \$100,000 coalition grant was allocated to pay for office staff and that Ms. Riley was paid from the coalition's grant funds for her assistance in the coalition's offices. We confirmed payments to Ms. Riley of \$9,359.20 for fiscal year 2001 and of \$3,438 for fiscal year 2002 (through October 31, 2001) based upon a review of the coalition's check register. Ms. Riley also received reimbursements of \$50 for postage stamps and \$45.98 for a computer printer ribbon during the same time period.

During our review, Ms. Riley resigned from the coalition's board of directors effective November 30, 2001. Mr. Clayton informed us that Ms. Riley would continue her employment in her capacity as a paid office staff member.

On January 11, 2002, we interviewed Mr. Clayton regarding his knowledge of the allegations against Ms. Riley. During our interview, Mr. Clayton expressed shock when we informed him of the particulars of the allegations. Mr. Clayton stated that he had no knowledge of Ms. Riley's actions, before or after the incidents occurred, which included assisting Ms. Ross in removing Mr. Ralls from the nursing home, requesting Mr. Ralls' confidential medical records, and interfering with Mr. Ralls' funeral arrangements. Mr. Clayton stated that he considered such activities improper and that after the audit report is produced, the report would be presented to the coalition's board of directors for their determination regarding Ms. Riley. Mr. Clayton confirmed that he and Ms. Riley are brother and sister.

During our review, Mr. Ed Lake, assistant commissioner for adult and family services in the Tennessee Department of Human Services, provided our office with information regarding other improper actions by Ms. Riley, which are detailed in the text of the report.

Sincerely,

A handwritten signature in black ink, reading "John G. Morgan". The signature is fluid and cursive, with the first name "John" and last name "Morgan" clearly legible.

John G. Morgan  
Comptroller of the Treasury

JGM/msc

02-03

cc: Board of Directors  
Tennessee Victims' Coalition

State of Tennessee

# Audit Highlights

Comptroller of the Treasury

Division of State Audit

Special Report  
**Tennessee Victims' Coalition**  
**Board of Directors**  
**Review of Alleged Improper Conduct by Chairperson**  
February 2002

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## REVIEW OBJECTIVES

The objectives of the review were to determine whether Ms. Elizabeth Riley, Chairperson, Tennessee Victims' Coalition, acting in her official capacity as the coalition's chairperson, actively participated with Mr. Ralls' sister in an improper scheme to remove Mr. William Hardy Ralls from the Manchester Health Care Center nursing home; to determine whether Ms. Riley, acting in her official capacity as the coalition's chairperson, improperly attempted to obtain Mr. Ralls' confidential medical records from the nursing home; to determine whether Ms. Riley, acting in her official capacity as the coalition's chairperson, interfered with Mr. Ralls' funeral arrangements after he had died; to report the results of our review to the coalition's board of directors, the Office of the State Treasurer, which provides funding to the coalition, and to other relevant entities; and to refer the results of our review to the Office of the State Attorney General, if deemed appropriate.

## RESULTS OF THE REVIEW

Based on presently available information, including interviews with Mr. Ralls' family members, nursing home staff, funeral home staff, and other appropriate persons, Ms. Riley, acting in her official capacity as the chairperson of the Tennessee Victim's Coalition, improperly involved herself in a family dispute between two daughters and the sister of Mr. Ralls.

Specifically, Ms. Riley participated with the sister in an improper scheme to remove the man from his nursing home; improperly attempted to obtain his confidential medical records for the nursing home; and improperly interfered in his funeral arrangements after he had died. Moreover, based on presently available information, and as detailed in the text of this report, Ms. Riley materially misrepresented her role in these events to the auditors when she was asked to provide an explanation of her activities.

Our review also disclosed an additional issue. In an interview, Ms. Riley stated that she was a volunteer for the coalition and was not paid for her volunteer work. However, Mr. Del Clayton, the coalition's executive director, stated that \$21,000 of the \$100,000 coalition grant was allocated to pay for office staff. Mr. Clayton stated that Ms. Riley was paid from the coalition's grant funds for her assistance in the coalition's offices. We confirmed payments to Ms. Riley of \$9,359.20 for fiscal year 2001 and of \$3,438 for fiscal year 2002 (through October 31, 2001) based upon a review of the coalition's check register. Ms. Riley also received reimbursements of \$50 for postage stamps and \$45.98 for a computer printer ribbon during the same time period.

During our review, Ms. Riley resigned from the coalition's board of directors effective November 30, 2001. Mr. Clayton informed us that Ms. Riley would continue her employment in her capacity as a paid office staff member.

On January 11, 2002, we interviewed Mr. Clayton regarding his knowledge of the allegations against Ms. Riley. During our interview, Mr. Clayton expressed shock when we informed him of the particulars of the allegations. Mr. Clayton stated that he had no knowledge of Ms. Riley's actions, before or after the incidents occurred, which included assisting Ms. Ross in removing Mr. Ralls from the nursing home, requesting Mr. Ralls' confidential records, and interfering with Mr. Ralls' funeral arrangements. Mr. Clayton stated that he considered such activities improper, and that after the audit report is produced, the report would be presented to the coalition's board of directors for their determination regarding Ms. Riley. Mr. Clayton confirmed that he and Ms. Riley are brother and sister.

During our review, Mr. Ed Lake, assistant commissioner for adult and family services in the Tennessee Department of Human Services, provided our office with information regarding other improper actions by Ms. Riley, which are detailed in the text of the report.

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"Audit Highlights" is a summary of the audit report. To obtain the complete audit report, please contact

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1500 James K. Polk Building, Nashville, TN 37243-0264  
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**INTRODUCTION**

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**ORIGIN OF THE REVIEW**

On August 29, 2001, Ms. Joy Nicholson, the daughter of Mr. William Hardy Ralls, contacted our office regarding alleged inappropriate conduct by Ms. Elizabeth Riley, chairperson of the Tennessee Victims' Coalition (hereinafter referred to as the coalition). At the time of the alleged inappropriate conduct, Mr. Ralls was a terminally ill cancer patient in the Manchester Health Care Center nursing home in Manchester, Tennessee. Mr. Ralls entered the nursing home in November 2000 and died on May 21, 2001.

Ms. Nicholson alleged that Ms. Riley, acting in her official capacity as the coalition's chairperson, became involved in a family dispute between Mr. Ralls' two daughters and his sister regarding his care. Ms. Nicholson specifically alleged that Ms. Riley actively participated with Mr. Ralls' sister in an improper scheme to remove him from his nursing home. Ms. Nicholson also alleged that Ms. Riley improperly attempted to obtain Mr. Ralls' confidential medical records from the nursing home and interfered with his funeral arrangements.

**OBJECTIVES OF THE REVIEW**

The objectives of the review were

1. to determine whether Ms. Riley, acting in her official capacity as the coalition's chairperson, actively participated with Mr. Ralls' sister in an improper scheme to remove Mr. Ralls from the Manchester Health Care Center nursing home;
2. to determine whether Ms. Riley, acting in her official capacity as the coalition's chairperson, improperly attempted to obtain Mr. Ralls' confidential medical records from the nursing home;
3. to determine whether Ms. Riley, acting in her official capacity as the coalition's chairperson, interfered with Mr. Ralls' funeral arrangements after he had died;

4. to report the results of our review to the coalition's board of directors, the Office of the State Treasurer, which provides state funding to the coalition, and to other relevant entities; and
5. to refer the results of our review to the Office of the State Attorney General, if deemed appropriate.

## **SCOPE OF THE REVIEW**

We interviewed Mr. Ralls' two daughters, Ms. Joy Nicholson and Ms. Gina Ralls-Brennan; Mr. Ralls' sister, Ms. Gradye Mae Ross; and Mr. Ralls' nephew, Mr. Michael Ross. We interviewed the chairperson of the coalition's board of directors, Ms. Elizabeth Riley; and the coalition's executive director, Mr. Del Clayton (Ms. Riley's brother). From the Manchester Health Care Center nursing home, we interviewed the administrator, Mr. Kerry Dickerson; the director of nursing, Ms. Rachel Anderson; and the director of social services, Ms. Angelia Bowles. With regard to the funeral arrangements for Mr. Ralls, we interviewed Mr. Wayne Anglin, the owner of Anglin Funeral Home, located in Dover, Tennessee; and Mr. Albert Vires, an Anglin employee. We also spoke with Mr. Robert Batson, the executive director for the Tennessee Funeral Directors Association; Ms. Dawn Coves, the association's executive assistant; and Mr. Art Giles, the executive director for the Tennessee State Board of Funeral Directors and Embalmers. With regard to complaints against Ms. Riley, which had been made to the Division of Adult Protective Services in the Department of Human Services, we interviewed Mr. Ed Lake, assistant commissioner; Ms. Jane Young, a program coordinator; and Ms. Mary Jane Sinuefield, a social services counselor. We also interviewed other individuals associated with the events in question, including Mr. Norman Seaster, the executive director of Legal Services of South Central Tennessee, Inc.; Ms. Mary Mankin, the executive secretary at Vanguard Health Care Center; Ms. Melissa Ell, a receptionist at Vanguard Health Care Center; Ms. Lexie Hagan, a geriatric specialist; and Ms. Janice Cunningham, an executive assistant to the state treasurer. In addition to conducting the interviews described above, we reviewed documents relevant to the allegations.

## **BACKGROUND**

### **Criminal Injuries Compensation Fund**

The Criminal Injuries Compensation Fund was established by Chapter 755 of the Public Acts of 1990, incorporated in *Tennessee Code Annotated*, Section 40-24-107.

Pursuant to *Tennessee Code Annotated*, Section 40-24-107(6)(e), at the end of the closing fiscal year, the state treasurer determines whether moneys deposited to the criminal injuries compensation fund exceeded claim payments by at least \$100,000. If the amount does exceed \$100,000, then the state treasurer is authorized to make a grant to the Tennessee Victims' Coalition, provided that the coalition submits a plan specifying the use of the moneys to the state treasurer and the plan is approved by the state treasurer.

As stated by the statute, the grant authorized cannot exceed \$100,000. The Criminal Injuries Compensation Fund is now called the Criminal Victims' Compensation Fund.

### **Creation of the Tennessee Victims' Coalition**

The Tennessee Victims' Coalition was established by Chapter 351 of the Public Acts of 1991, incorporated in *Tennessee Code Annotated*, Sections 4-41-101 through 4-41-106.

As directed by the statute, the Office of the State Treasurer was integrally involved in convening a meeting for the purpose of organizing the coalition, formulating preliminary policies and bylaws, and developing membership qualifications and procedures for electing the board of directors and the officers of the coalition. The statute specifically identified 12 victims' rights and victims' support organizations that should be notified of the meeting and should be requested to send at least one, but not more than five, delegates each. The organizations included the Organized Victims of Violent Crime, the Mothers Support Group, the Compassionate Friends, Remove Intoxicated Drivers, Families and Friends of Murder Victims, Mothers Against Drunk Drivers, Parents of Murdered Children, and Help Eliminate Lenient Punishment. Also included were the East Tennessee Victims' Rights Task Force, the National Organization for Victims' Assistance, the Sexual Assault Crisis Center, and Domestic Violence Shelters/Centers.

The statute provided that the 12 delegates should formulate the preliminary bylaws and policies and develop the membership qualifications and procedures for the election of the board of directors and its officers. The statute also specified that the delegates should determine the membership, the number of board members, and the number of officers. The only requirements were that the delegates should strive to ensure the selection of at least one member 60 years of age or older and at least one member from a racial minority. The statute directed that the duly elected board should formulate and adopt by majority vote temporary bylaws, policies, and procedures for the initial organization of the coalition. The statute further directed that the board at its first annual meeting should formulate and adopt permanent rules, regulations, bylaws, policies, and procedures, and should perfect the organization of the coalition.

As specified by *Tennessee Code Annotated*, Section 4-41-106(a)(1), the coalition is a private nonprofit organization. That section also states that the coalition is not a public body or an instrumentality of the state of Tennessee. Section 4-41-106 (a)(2) states that the coalition was established "to assist in associating the various victims' rights and victims' support organizations within this state under a common name for the advancement of the needs of all victims of crime and their families." With regard to funding, Section 4-41-106 (a)(3) states that it was the legislative intent that the state, through resources available from the State Treasurer's Office, provide minimum levels of support in developing and otherwise perfecting the organization of the coalition.

## **State Funding for the Coalition**

The state's Criminal Injuries Compensation Fund has been the source of state funding for the coalition. For fiscal year 2002, the amount allocated for the coalition was \$100,000. Of that amount, \$50,000 has been disbursed by the Office of the State Treasurer to the coalition as of December 31, 2001.

## **Primary Activities of the Coalition**

According to Ms. Riley, the coalition has one paid staff person and relies primarily on volunteers to assist in day-to-day operations such as answering telephone hotline calls and making referrals to the appropriate agencies determined by the callers' needs. The coalition volunteers primarily consist of the board members.

Ms. Riley stated that the primary purpose of the coalition is to act as a referral service for victims of crime. Ms. Riley stated that referrals are often made to domestic violence shelters, crisis hotlines, hospitals, nursing homes, and law enforcement agencies. Coalition clients usually learn about the coalition through information cards provided at hospitals, courthouses, nursing homes, and other agencies. These information cards also provide the coalition's telephone hotline number. According to Mr. Clayton, the coalition receives at least 20 telephone calls per day from persons requesting assistance.

## **Organization of the Coalition's Board of Directors**

According to the coalition's bylaws, the coalition's board of directors is composed of 12 members. The bylaws specify that each director, appointed by a sponsoring organization (10 sponsoring organizations are listed), serves a term of four years or until a successor is appointed. Directors may serve two consecutive terms and are eligible for reappointment after a one-year absence.

The coalition's bylaws identify three officers: chairperson, vice chairperson, and secretary. Officers are to be elected by majority vote of the board to one five-year term and are not eligible for reelection. According to the bylaws, any or all officers of the board may be removed at any meeting by majority vote, and such removals (or suspensions) must be made for valid reasons.

## **Ms. Riley's Board Membership**

Ms. Riley stated that she became a coalition board member in 1992 and that she was elected by the board members to serve as the board chairperson in May 1997. According to Mr. Clayton, the sponsoring organization that appointed Ms. Riley to the board was Remove Intoxicated Drivers (RID) of Nashville, Tennessee.

During our review, Ms. Riley resigned from the coalition's board of directors effective November 30, 2001. On December 11, 2001, Mr. Clayton informed us that Ms.

Riley had resigned from the board of directors but would continue her employment in her capacity as a paid office staff member.

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## **DETAILS OF THE REVIEW**

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### **RESULTS OF THE REVIEW**

Based on presently available information, Ms. Riley, acting in her official capacity as the chairperson of the Tennessee Victims' Coalition, improperly involved herself in a family dispute between two daughters and the sister of a man who was stricken with cancer and who later died. Specifically, Ms. Riley participated with the sister in an improper scheme to remove the man from his nursing home; improperly attempted to obtain his confidential medical records from the nursing home; and improperly interfered in his funeral arrangements after he had died. Moreover, based on presently available information, and as detailed below, Ms. Riley materially misrepresented her role in these events to the auditors when she was asked to provide an explanation of her activities.

### **MS. RILEY'S INVOLVEMENT IN THE REMOVAL OF MR. RALLS FROM THE MANCHESTER HEALTH CARE CENTER NURSING HOME**

Ms. Nicholson and Ms. Ralls-Brennan (Mr. Ralls' daughters) alleged that Ms. Riley participated with Ms. Ross (Mr. Ralls' sister) and Mr. Ross (Mr. Ralls' nephew) in an improper scheme to remove Mr. Ralls from his nursing home in February 2001.

Based on presently available information, Ms. Riley actively participated with Ms. Ross and Mr. Ross in an improper scheme to remove Mr. Ralls from his nursing home on February 21, 2001, without the consent, or the knowledge, of Ms. Ralls-Brennan, who held the legal power of attorney for his medical care. In addition, Mr. Ralls' removal occurred without the knowledge of the nursing home staff.

#### **Power of Attorney**

Ms. Ralls-Brennan provided our office with a copy of a legal document assigning her power of attorney over Mr. Ralls' financial and medical affairs with authority to admit Mr. Ralls into a nursing home if needed, to have access to his medical records, and to oversee his financial responsibilities. The document is dated August 30, 1999, and is signed by two witnesses.

Ms. Riley told us that Ms. Ralls-Brennan had a false power of attorney and that Mr. Ross held the true power of attorney. However, Mr. Ross acknowledged that he did not possess the power of attorney for Mr. Ralls. He further stated that he had not provided any

information to Ms. Riley which would indicate that he held a true power of attorney for Mr. Ralls. In addition, Mr. Ross could not provide any document that granted him such power of attorney.

Based on presently available information, Ms. Ralls-Brennan held a legitimate power of attorney for Mr. Ralls' financial and medical affairs.

### **Ms. Elizabeth Riley**

In our interview with Ms. Riley, we specifically asked her if she participated or assisted in any way in removing Mr. Ralls from the nursing home. Ms. Riley directly stated that she did not participate or assist in taking Mr. Ralls from the nursing home. Ms. Riley stated that she was present at the nursing home location only to the extent that she was in her car in the nursing home parking lot when Mr. Ralls was taken from the nursing home and that she did not leave her car at any time. Ms. Riley stated that when she arrived at the nursing home parking lot, Mr. Ralls was already in Ms. Ross's car.

Ms. Riley stated that Ms. Ralls-Brennan and the nursing home staff were incorrect when they stated that she created a diversion while Ms. Ross and Mr. Ross removed Mr. Ralls from the nursing home. She stated that she couldn't have created a diversion because she never left her car and because she only arrived at the nursing home parking lot after Mr. Ralls was already in Mr. Ross's car. Ms. Riley stated that she only went to the nursing home at the request of Ms. Ross to provide emotional support to her. Ms. Riley acknowledged that she knew in advance that Ms. Ross intended to take Mr. Ralls from the nursing home.

Ms. Riley also stated that she did not believe that Mr. Ralls had cancer and, further, that she believed that Ms. Ralls-Brennan and Ms. Nicholson (Mr. Ralls' daughters) were committing a "hate crime" against Mr. Ralls by placing him in the nursing home and keeping him there. Ms. Riley explained that by "hate crime" she meant that Mr. Ralls was being held in the nursing home against his will. She further explained that because Mr. Ralls was the subject of a "hate crime," he was a "victim," and thus, as a "victim," he was eligible for assistance from the coalition. In addition, Ms. Riley maintained that Mr. Ralls had stated to her on previous visits that he wanted to leave the nursing home and that, as related to her by Ms. Ross and Mr. Ross, he had made similar statements to them.

### **Nursing Home Staff**

We interviewed two nursing home staff members who were present at the time Mr. Ralls was taken from the nursing home by Ms. Ross and Mr. Ross. Both Ms. Rachel Anderson, the director of nursing, and Ms. Angelia Bowles, the director of social services, directly contradicted Ms. Riley's characterization of the event. Both Ms. Anderson and Ms. Bowles stated that Ms. Riley and another person were present in the nursing home. Both stated that in their view, Ms. Riley had created a distraction or a diversion when she identified herself as the chairperson of the Tennessee Victims' Coalition and loudly demanded that as chairperson she be allowed to examine Mr. Ralls'

medical records. According to Ms. Anderson and Ms. Bowles, Ms. Riley continued to loudly demand that they provide her Mr. Ralls' medical records even after they had explained to her that his medical records were confidential and could only be provided to the individual who held the appropriate power of attorney. Ms. Anderson and Ms. Bowles stated that during this time, Ms. Ross and Mr. Ross took Mr. Ralls outside the building to smoke a cigarette. However, they did not return him to the nursing home.

Both Ms. Anderson and Ms. Bowles stated that Ms. Riley was directed to Ms. Anderson's office to prevent residents from becoming upset by Ms. Riley's loud demands. Ms. Anderson and Ms. Bowles stated that after a few minutes in Ms. Anderson's office, Ms. Riley abruptly ended their conversation by loudly stating that she needed Mr. Ralls' medical records because he was no longer a resident at the nursing home. Ms. Anderson and Ms. Bowles stated that they left the office to check on Mr. Ralls, but he had not been returned to his room. They then determined that Ms. Riley was creating a distraction in order to effectuate Mr. Ralls' removal.

Ms. Bowles and Ms. Anderson told the auditors that when it became evident to them that Ms. Riley was purposely creating a distraction to effectuate Mr. Ralls removal, they immediately contacted Mr. Kerry Dickerson, the nursing home administrator. They said that Mr. Dickerson instructed them to contact the police since Mr. Ralls was receiving extensive chemotherapy treatment and should not be removed from the nursing home. They stated that they then contacted the police.

Although Mr. Dickerson was not present at the nursing home at the time Mr. Ralls had been taken, he confirmed that Ms. Bowles and Ms. Anderson had contacted him. He said that they stated that Ms. Riley had created a disturbance and that Mr. Ralls had evidently been taken from the nursing home. He confirmed that he had instructed them to contact the police.

Ms. Bowles and Ms. Anderson stated that the police did come to the nursing home. However, they stated that the police told them that nothing could be done because there was no restraining order against either Ms. Ross or Mr. Ross, and Mr. Ralls had not been legally declared incompetent.

### **Ms. Gradye Ross and Mr. Michael Ross**

Ms. Ross acknowledged that she had arranged with Mr. Ross to remove Mr. Ralls from the nursing home. She admitted that she had not notified Ms. Ralls-Brennan, who held the power of attorney in medical matters for Mr. Ralls, or the nursing home, of her plan. Ms. Ross also admitted that she and Mr. Ross had in fact taken Mr. Ralls from the nursing home. Ms. Ross explained that she removed Mr. Ralls because he had told her on several previous visits that he wanted to leave.

Mr. Ross acknowledged that Ms. Ross had arranged with him to remove Mr. Ralls from the nursing home and that they in fact had done so. He admitted that he had not notified Ms. Ralls-Brennan or the nursing home. Mr. Ross explained that he had assisted

Ms. Ross because Mr. Ralls had told him on several previous visits that he wanted to leave the nursing home.

Regarding the involvement of Ms. Riley, both Ms. Ross and Mr. Ross stated that they could not recall whether Ms. Riley was present at the nursing home when they took Mr. Ralls. Both stated that Ms. Riley did not have anything to do with their plan to remove Mr. Ralls or with their actual taking of Mr. Ralls from the nursing home. However, Ms. Ross stated that she had informed Ms. Riley that she intended to remove Mr. Ralls from the nursing home.

### **Ms. Lexie Hagan**

In a November 14, 2001, telephone interview, Ms. Lexie Hagan stated that both she and Ms. Riley were present at the nursing home on February 21, 2001, when Mr. Ralls was removed. She stated that she had gone to the nursing home to make sure that Mr. Ralls was properly removed. Ms. Hagan's statement directly contradicts Ms. Riley's earlier statement in which she claimed that she was not present in the nursing home when Mr. Ralls had been removed.

Ms. Hagan stated that she was a contract employee for the Law Office of Ms. Mary Catherine Kelly of Brentwood, Tennessee. Ms. Hagan stated that she assisted in removing Mr. Ralls from the nursing home because Ms. Riley had told her that the power of attorney for Mr. Ralls was false and that he was being held against his will at the nursing home. Ms. Hagan stated that she was not aware that Ms. Ralls-Brennan held a valid power of attorney and that if she had known that Ms. Ralls-Brennan's power of attorney was legitimate, she would not have assisted in Mr. Ralls' removal.

Ms. Hagan stated that after spending some time at the nurse's station requesting Mr. Ralls' medical records and medication, she and Ms. Riley were directed to Ms. Anderson's office. She stated that while in Ms. Anderson's office, she told Ms. Anderson that she needed the information because Mr. Ralls was no longer a resident at the nursing home. She stated that as she left the office, Ms. Anderson followed her outside demanding to know where Mr. Ralls had been taken. Ms. Hagan stated that she presented Ms. Anderson with a business card for Ms. Kelly, the attorney, and told her to call Ms. Kelly if she had any further questions. Ms. Hagan stated that Ms. Anderson followed her to her car demanding that she provide her with information regarding Mr. Ralls' whereabouts. Ms. Hagan stated that she repeated that Mr. Ralls had been taken to a safe place and to contact Ms. Kelly's office for further information. According to Ms. Ross, she had hired Ms. Kelly to be Mr. Ralls' attorney.

### **Mr. Ralls' Subsequent Remarriage**

After Ms. Ross and Mr. Ross removed Mr. Ralls from his nursing home on February 21, 2001, Mr. Ralls remarried Ms. Helen Jean Ralls (his former second wife) on February 27, 2001, in Cadiz, Kentucky. Ms. Ralls-Brennan stated that she was unaware that Mr. Ralls had remarried his former wife until after his death on May 21, 2001.



## **Court Declares Mr. Ralls Incompetent**

On March 2, 2001, Mr. Ralls was found incompetent during an emergency court hearing. The court found, based on “evidence and testimony” from Mr. Ralls’ doctor and the court-appointed Guardian Ad Litem, that Mr. Ralls was not competent to handle his own affairs, and the court appointed an attorney as a stand-by conservator until a final hearing. Mr. Ralls died before the final hearing could be held.

## **Court Orders Mr. Ralls’ Return to Nursing Home**

During the same court hearing on March 2, the court also ordered that since Mr. Ralls was receiving life-saving treatment from his doctors while he was in the nursing home, he should remain in the nursing home in Manchester. According to Ms. Ralls-Brennan, Mr. Ralls was immediately returned to the nursing home in Manchester after the court hearing.

## **MS. RILEY’S REQUESTS FOR MR. RALLS’ MEDICAL RECORDS**

Ms. Nicholson and Ms. Ralls-Brennan alleged that on several occasions while Mr. Ralls resided at the nursing home, Ms. Riley, acting in her official capacity as the coalition’s chairperson, demanded that nursing home staff provide her with Mr. Ralls’ confidential medical records.

Based on presently available information, Ms. Riley, acting in her official capacity as the coalition’s chairperson, improperly attempted to obtain Mr. Ralls’ confidential medical records from the nursing home.

## **Ms. Elizabeth Riley**

In our interview with Ms. Riley, we asked her specifically if she had requested Mr. Ralls’ medical records from the nursing home at any time. Ms. Riley directly stated that she had never requested any records from any person regarding Mr. Ralls’ medical condition.

## **Nursing Home Staff**

As stated above, we interviewed Ms. Anderson, the director of nursing; Ms. Bowles, the director of social services; and Mr. Dickerson, the administrator. All three stated that Ms. Riley had directly contacted them on several occasions demanding confidential health-related information and medical records relating to Mr. Ralls. Ms. Anderson and Ms. Bowles stated that Ms. Riley demanded the medical records on at least two occasions during her visits at the nursing home. Mr. Dickerson stated that Ms. Riley had contacted him by telephone on several occasions demanding that he release Mr. Ralls’ medical records to her. All three stated that they told Ms. Riley that providing medical records to individuals other than medical personnel and the individual who held

the power of attorney for Mr. Ralls was strictly prohibited. All three stated that Ms. Riley continued demanding that they provide her Mr. Ralls' medical records even after she had been told that providing such information was prohibited.

According to Ms. Anderson, Ms. Bowles, and Mr. Dickerson, when Ms. Riley contacted them and requested Mr. Ralls' medical records, she identified herself as the coalition's chairperson. They said that she also stated that she was seeking the records on behalf of the coalition and that a "hate crime" was being committed against Mr. Ralls in that he was being held in the nursing home against his will. All three staff stated that they regarded Ms. Riley's conduct as inappropriate and that they had called the coalition office to report Ms. Riley's improper conduct and left messages on the voice mail system. However, their calls were not returned.

During our interviews, the nursing home administrator, director of social services, and director of nursing all characterized Ms. Riley's behavior as harassing. Mr. Dickerson stated that on several occasions Ms. Riley was "unprofessional, inconsiderate, and outright rude." He further stated that Ms. Riley "professed to have great authority through her organization." Ms. Anderson and Ms. Bowles stated that on several occasions Ms. Riley exhibited inappropriate behavior while residents were present. All three stated that they had heard that Ms. Riley had complained to Vanguard HealthCare, the nursing home's parent company, regarding mistreatment and neglect of Mr. Ralls.

We spoke to two staff members from Vanguard HealthCare, Ms. Mary Mankin, the executive secretary; and Ms. Melissa Ell, a receptionist. Both stated that on several occasions during Mr. Ralls' residence at the nursing home, they had telephone conversations with Ms. Riley. Both stated that Ms. Riley was always "rude and spoke in harsh tones" demanding to speak with the company's chief executive officer (CEO). Both stated that when Ms. Riley was told that the CEO was not available, and that messages would have to be relayed, Ms. Riley would get aggravated and "slam the phone down." Both stated that because Ms. Riley hung up on them, they did not have any information to forward to the CEO. Ms. Ell stated that Ms. Riley called as an official representative of the coalition and sometimes called as a personal friend of Ms. Ross. Both stated that they considered Ms. Riley's constant telephone calls and unprofessional attitudes to be harassing in nature.

## **MS. RILEY'S INVOLVEMENT WITH MR. RALLS' FUNERAL ARRANGEMENTS**

Ms. Ralls-Brennan alleged that Ms. Riley, acting in her official capacity as the coalition's chairperson, improperly interfered with Mr. Ralls's funeral arrangements in that she actively worked in an improper manner to stop Mr. Ralls' cremation. Ms. Ralls-Brennan stated that Mr. Ralls had told them before his death that he wanted to be cremated.

Based on presently available information, Ms. Riley, acting in her official capacity as the coalition's chairperson, improperly interfered with Mr. Ralls' funeral arrangements.

### **Ms. Elizabeth Riley**

In our interview with Ms. Riley, we asked her specifically if she contacted the Anglin Funeral Home staff for any reason regarding Mr. Ralls or his family. Ms. Riley stated that she had never contacted the funeral home. Ms. Riley stated that contacting the funeral home after Mr. Ralls' death for any reason would have been an improper action.

### **Ms. Gina Ralls-Brennan**

Ms. Ralls-Brennan stated that Ms. Riley attempted to prevent Mr. Ralls' final wishes for cremation. She stated that Mr. Ralls told her that he did not want family members observing him in an open casket and that he wanted his remains to be cremated. Ms. Ralls-Brennan stated that Ms. Ross objected to Mr. Ralls' cremation, and Ms. Riley aided Ms. Ross in obtaining a court hearing to prevent the cremation. Although Ms. Ralls-Brennan's power of attorney gave her authority over Mr. Ralls' final arrangements, she stated that to prevent further delay of Mr. Ralls' funeral, she did not follow through with the cremation plans.

The court hearing was held on May 23, 2001, two days after Mr. Ralls died. The court hearing was the result of Ms. Ross' wishes for a funeral service rather than cremating his remains. Ms. Ralls-Brennan stated that during arguments with Ms. Ross regarding Mr. Ralls' cremation, Ms. Ross and Ms. Riley brought forward Ms. Helen Ralls, Mr. Ralls' new wife, whom he had remarried after he was taken from the nursing home in February 2001, to intervene as Mr. Ralls' next-of-kin. At the conclusion of the hearing, the judge declared that Ms. Helen Ralls, Mr. Ralls' new wife, should have possession of Mr. Ralls' remains for the purpose of providing a funeral and funeral service at her sole expense. The court further stated that "visitation and funeral service shall be of a closed casket nature except that Ms. Ralls and her family shall be entitled to a private open casket viewing."

Ms. Ralls-Brennan stated that shortly after Mr. Ralls' funeral, she learned that Ms. Riley had made harassing telephone calls to the director of the funeral home regarding the planned cremation.

### **Anglin Funeral Home**

We interviewed Mr. Wayne Anglin, the owner of Anglin Funeral Home (located in Dover, Tennessee); and Mr. Albert Vires, an employee of the Anglin Funeral Home. The Anglin Funeral Home handled the funeral arrangements for Mr. Ralls. Mr. Anglin stated that Ms. Riley called him on several occasions threatening to use the coalition to permanently close the funeral home if he proceeded with Mr. Ralls' cremation. Both Mr. Anglin and Mr. Vires stated that Ms. Riley told them that Mr. Ralls' sister and wife, Ms. Ross and Ms. Helen Ralls, respectively, demanded that a traditional funeral service be performed rather than cremation.

Mr. Anglin and Mr. Vires stated that Ms. Riley portrayed herself as a powerful person who could have the funeral home closed through her association with the coalition. Mr. Vires also stated that in all conversations, Ms. Riley screamed, was “hateful,” and was extremely unprofessional. Mr. Anglin stated that Ms. Riley was rude and dominated the telephone conversations. Mr. Anglin and Mr. Vires both stated that Ms. Riley accused funeral home staff of being intoxicated when they transported Mr. Ralls’ body from the hospital to the crematorium. Both stated that they had informed Ms. Riley that their staff had not transported Mr. Ralls’ body. Instead, Mr. Ralls’ body had been transported to the crematorium by crematorium staff.

Mr. Anglin stated that after the funeral service, Ms. Riley called him complaining that the casket was closed before Ms. Ross could take pictures of Mr. Ralls’ body. He stated that Ms. Riley demanded that the casket be unsealed for Ms. Ross to take pictures. Mr. Anglin stated that he told Ms. Riley that the funeral home was under a court order to seal the casket after visitation from family members, which had already occurred, and that he was not going to open the casket. He stated that Ms. Riley again became belligerent and threatened to call the Tennessee Funeral Directors Association to report his actions. Mr. Anglin stated that after Ms. Riley’s final threat, he told her to never call his office again. He stated that Ms. Riley continued to call his office for several weeks after the funeral. Mr. Anglin stated that he considered Ms. Riley’s constant telephone calls harassing in nature.

We determined that neither the Tennessee Funeral Directors Association nor the State Board of Funeral Directors and Embalmers had any record of a complaint filed by Ms. Riley concerning the Anglin Funeral Home.

## **INTERVIEW WITH MR. DEL CLAYTON**

On January 11, 2002, we interviewed Mr. Del Clayton, the coalition’s executive director, regarding his knowledge of the allegations against Ms. Riley. During our interview, Mr. Clayton expressed shock when we informed him of the particulars of the allegations. Mr. Clayton stated that he had no knowledge of Ms. Riley’s actions, before or after the incidents occurred, which included assisting Ms. Ross in removing Mr. Ralls from the nursing home, requesting Mr. Ralls’ confidential medical records, and interfering with Mr. Ralls’ funeral arrangements. Mr. Clayton stated that he considered such activities improper, and that after the audit report is produced, the report would be presented to the coalition’s board of directors for their determination regarding Ms. Riley.

Mr. Clayton stated that the only knowledge he had regarding Mr. Ralls pertains to three telephone calls, which are discussed below.

Mr. Clayton stated that typically, when someone telephoned the coalition’s offices requesting assistance, he assigned the case to volunteers if he was too busy to handle the caller’s requests personally. He stated that he recalled that Ms. Gradye Ross, Mr. Ralls’ sister, called his office and that he forwarded the information to Ms. Riley. Mr. Clayton

stated that he does not require volunteers to maintain records of cases they are assigned and only requested that he be provided periodic verbal updates. He stated that at no time did Ms. Riley inform him of any problems regarding Mr. Ralls.

We specifically asked Mr. Clayton if he had received any complaints from any person regarding Ms. Riley's conduct in the matter. Mr. Clayton stated that he had only received two telephone calls regarding Ms. Riley. The first was in the summer of 2001, when Mr. Ralls' daughter (Ms. Nicholson) called the coalition offices requesting information regarding Ms. Riley, the name of the coalition's director, and the coalition's funding source. Mr. Clayton stated that he provided the information to Ms. Nicholson over the telephone and informed Ms. Riley about Ms. Nicholson's inquiry. He stated that he asked Ms. Riley if she knew why Ms. Nicholson had called. He stated that Ms. Riley told him that the telephone call was probably pertaining to her assistance with Mr. Ralls. Mr. Clayton stated that he did not question Ms. Riley further.

Mr. Clayton stated that the second telephone call he received was around September 2001, when Ms. Janice Cunningham, an executive assistant to the state treasurer, informed him that someone had sent a letter to a legislator complaining about Ms. Riley. Ms. Cunningham confirmed that she had informed Mr. Clayton that a family member had complained about Ms. Riley's interference in a family dispute. However, Ms. Cunningham stated that she could not recall if she had provided specific details of the complaint to Mr. Clayton. Ms. Cunningham stated that Mr. Clayton had told her that he was not aware of the complaint against Ms. Riley. Mr. Clayton stated that he did not learn the details of the complaint and also that he did not investigate the complaint.

We specifically asked Mr. Clayton why he did not investigate the complaint forwarded to him by Ms. Cunningham. He stated that the coalition could not make everyone happy, so occasionally someone would get upset with the coalition. Therefore, he regarded the message from Ms. Cunningham as a typical complaint.

We asked Mr. Clayton to provide us with an example of a typical complaint. Mr. Clayton told us that occasionally a district attorney would complain about the coalition's involvement with a victim's court case. He stated that if a victim of crime does not want the prosecution to plea-bargain their case, the coalition advocates on behalf of the victim by informing the district attorney of the victim's wish. Mr. Clayton stated that in such instances the district attorney involved in the case would complain that he was interfering with the legal system. Mr. Clayton stated that he considered such comments from district attorneys to be complaints. Mr. Clayton stated that such complaints are made directly to him at the time he advocates for the victim during the plea-bargaining process.

Mr. Clayton stated that due to the lack of maintaining records of the coalition's cases, he could not provide an exact number of complaints he had received. However, Mr. Clayton stated that in almost every case where the coalition advocates on behalf of victims in the plea-bargaining process, the district attorney involved in the case usually complains about the coalition's involvement. As stated above, Mr. Clayton stated that the complaints are made directly to him.

Mr. Clayton stated that before our interview on January 11, 2002, the two telephone calls noted above and Ms. Ross' initial telephone call requesting assistance from the coalition were the only information he had regarding the matter. Mr. Clayton denied receiving any telephone messages from the nursing home staff.

We specifically asked Mr. Clayton if he had knowledge of the January 2000 restraining order (regarding Ms. Lennie Spear) against Ms. Riley petitioned by the Department of Human Services. He stated that he was made aware of the restraining order, and that after he received the information, he told Ms. Riley that he "didn't want to hear anything else about it" because the coalition did not need bad publicity. He stated that since he did not hear anything further, he considered the matter closed. He stated that he did not inform the board of directors about the restraining order since it was personally against Ms. Riley, not the coalition.

Mr. Clayton stated that he only considered Ms. Riley a paid employee when she was in the coalition's offices performing her office duties, usually between 7:30 a.m. and 12:00 p.m. He stated that since he only considered Ms. Riley a paid employee when she is in the office performing her office activities, she was acting as a volunteer for the board of directors when she left the offices to assist with any coalition matter, including victims. Mr. Clayton stated that he did not recall Ms. Riley making telephone calls from the coalition's offices regarding Mr. Ralls.

Mr. Clayton stated that since Ms. Riley acted as a volunteer for the board of directors, not a paid employee when the incidents occurred, the board of directors would be responsible for Ms. Riley's discipline. As noted above, Mr. Clayton stated that the audit report would be presented to the coalition's board of directors for their determination regarding Ms. Riley. Mr. Clayton confirmed that he and Ms. Riley are brother and sister.

## **SUBSEQUENT INFORMATION**

### **Division of Adult Protective Services**

Ms. Ralls-Brennan stated that prior to Mr. Ralls' removal from the nursing home, Ms. Mary Jane Sinquefield, an adult protective services (APS) social counselor, contacted her regarding allegations of "imprisonment and neglect" of Mr. Ralls. According to Ms. Ralls-Brennan, Ms. Sinquefield did not provide her with the name of the complainant. However, Ms. Ralls-Brennan stated that because of her experiences of prior harassment by Ms. Riley, and because of the consistency of the allegations that Mr. Ralls was being held against his will at the nursing home, she believed that Ms. Riley had made the complaint to APS.

We interviewed Ms. Sinquefield regarding her investigation related to Mr. Ralls. Ms. Sinquefield stated that based on her interview with Mr. Ralls, she determined that Mr. Ralls was satisfied with his residence at the nursing home and was not being held

against his will, as the allegations had claimed. Ms. Sinquefield stated that the identity of the complainant was confidential and could not be disclosed due to APS confidentiality policies.

In a letter to the Division of State Audit, dated November 2, 2001, Mr. Ed Lake, assistant commissioner for adult and family services in the Tennessee Department of Human Services, stated,

In the case you are investigating, the APS investigation found that the APS client [Mr. Ralls] was being well cared for by the daughter [Ms. Ralls-Brennan] and the nursing home, and that the allegations of abuse, neglect, and exploitation were not confirmed.

Mr. Lake wrote that the client's daughter and the nursing home related Ms. Riley's actions to the APS program and that the APS program had no direct contact with the coalition. According to Mr. Lake's letter, APS staff referred the client's daughter to Legal Services of South Central Tennessee. Ms. Ralls-Brennan told us that she did not pursue her concerns about the coalition with Legal Services of South Central Tennessee.

Additionally, Mr. Lake provided information relating to another situation in which Ms. Riley continuously challenged decisions made in the case, disagreed with orders from the court, and repeatedly contacted the Governor's office and various legislators about the case. Mr. Lake provided several examples of improper actions by Ms. Riley.

First, in the case of Ms. Lennie Spear, the coalition arranged for an attorney to represent the client. After the client was hospitalized for a court-ordered evaluation, the attorney, claiming to represent the client, attempted to participate in the medical staffing (a meeting to determine medical treatment) with the hospital staff, APS staff, and family members. The attorney was denied participation because it was determined that the client's family had not secured his services and the attorney had never met the client.

Second, after the court had ordered an evaluation to determine Ms. Spear's capacity to make decisions, Ms. Riley presented a power of attorney in the name of the coalition and attempted to visit with the client. However, the hospital attorney determined that the power of attorney was invalid since it was signed after the court order, and the hospital did not allow Ms. Riley access to the client during the evaluation process.

Third, after the results of the evaluation were shared with the court, the court gave the Tennessee Department of Human Services custody of the client and responsibility for making medical and placement decisions for her. The court also appointed a church as the financial conservator, and the department placed Ms. Spear in an assisted living facility. However, Ms. Riley, purporting to represent the coalition, removed the client and took her to a doctor she had not seen before for a "second evaluation."

Regarding these matters, Mr. Lake concludes,

At each step in the case, the Tennessee Victims' Coalition seemed to escalate their efforts to dictate the outcome of what would happen with this client, even though their actions were not in the client's best interest, as supported by the court's actions. Ultimately, APS had to request and was granted a restraining order by the court against any involvement by "Ms. Elizabeth Riley, Tennessee Victims' Coalition" in this case.

### **Temporary Restraining Order**

Chancellor Irvin H. Kilcrease issued a temporary restraining order against Ms. Riley in the Chancery Court of Davidson County, Tennessee, on January 5, 2000. After a hearing on January 13, Chancellor Kilcrease issued a temporary injunction on January 18, 2000. According to the information contained in the injunction, Ms. Lennie Spear was placed in the custody of the Tennessee Department of Human Services on December 13, 1999, and that order was confirmed following a hearing on December 17, 1999, by an order entered December 21, 1999. After the December 21 order, Ms. Elizabeth Riley participated with Mr. Terry Jones in an effort to have Ms. Spear treated by a physician of their choosing rather than the physician chosen by the Tennessee Department of Human Services. On January 4, 2000, at Ms. Riley's request, Mr. Jones took Ms. Spear from the Ponciana Ridge Assisted Living facility to the office of Dr. Sharon Wright in Brentwood, Tennessee. Dr. Wright prescribed medicine for Ms. Spear. Mr. Jones also took Ms. Spear out of Ponciana Ridge Assisted Living on other occasions and facilitated Ms. Spear's consumption of foods that were in violation of her diabetic diet.

Chancellor Kilcrease's January 18 temporary injunction states,

It is clearly shown that the rights of the Plaintiff, State of Tennessee, Department of Human Services, have been violated by the conduct of the Defendants, Elizabeth Riley and Terry Jones, and that the Plaintiff will suffer immediate and irreparable harm pending a final judgment in this cause, in that this Court has placed Lennie Spear in the custody of the State of Tennessee Department of Human Services and that agency is responsible for her care, placement and for selecting her medical caregivers. Lennie Spear's diabetic medical condition requires that she follow a strict diet and medication regimen.

Based on the record in this cause, Chancellor Kilcrease concluded that the defendants should be temporarily enjoined, pending a final hearing in this cause. The defendants were enjoined from removing Lennie Spear, or having others remove her, from Ponciana Ridge Assisted Living, without the express permission of an authorized agent of the Tennessee Department of Human Services. Chancellor Kilcrease also determined that the defendants should be enjoined from interfering with Lennie Spear's medical treatment.



According to Ms. Jane Young, the program coordinator for APS, Ms. Riley and Mr. Jones complied with the court order; therefore, no further court actions by APS were necessary.

### **Legal Services of South Central Tennessee**

In a review conducted by Legal Services of South Central Tennessee at the request of Ms. Riley, Mr. Mark Schempp, an Elder Abuse Specialist, concluded that Mr. Ralls was “content” at the nursing home. Mr. Schempp stated that during his interviews with Mr. Ralls, he had informed Mr. Ralls that legal services would assist him in leaving the nursing home if he desired. Mr. Schempp reported that Mr. Ralls understood that he could leave the nursing home at any time but was happy at the nursing home. Mr. Schempp stated that during subsequent interviews with Mr. Ralls, he reiterated that he was content with his residence at the nursing home. Mr. Schempp stated that before a fourth interview could be conducted, he had received information that Mr. Ralls had been removed from the nursing home.

### **Payments to Ms. Elizabeth Riley**

In her September 10, 2001, interview, Ms. Riley told auditors that she was a volunteer for the coalition and was not paid for her volunteer work. Additionally, during the same interview, Ms. Riley stated that Mr. Clayton, the coalition’s director, was the only paid staff person for the coalition. However, during a November 7, 2001, telephone interview, Mr. Clayton stated that \$21,000 of the \$100,000 coalition grant was allocated to pay for office staff. Mr. Clayton stated that Ms. Riley was paid from the coalition’s grant funds for her assistance in the coalition’s offices. Mr. Clayton stated that office assistance included answering the telephones, mailing coalition information cards, and other general office duties.

We confirmed salary payments to Ms. Riley of \$9,359.20 for fiscal year 2001 and of \$3,438 for fiscal year 2002 (through October 31, 2001) based upon a review of the coalition’s check register. Ms. Riley also received reimbursements of \$50 for postage stamps and \$45.98 for a computer printer ribbon during the same time period.

### **Ms. Riley’s Resignation**

On November 20, 2001, Mr. Clayton notified our office that Ms. Riley had resigned her position as chairperson for the coalition effective November 30, 2001. On December 11, 2001, Mr. Clayton informed us that Ms. Riley had resigned from the board of directors but would continue her employment in her capacity as paid office staff.

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## RECOMMENDATIONS

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Our review resulted in the following recommendations:

1. The coalition's board of directors should establish a mission statement and a code of conduct for board members, the executive director, and for paid and volunteer staff.
2. The coalition's board of directors should establish policies and procedures and criteria for (a) when a case requires intervention by coalition members and staff; and (b) the appropriate, and authorized, intervention procedures.
3. The coalition's board of directors should determine the proper nature and extent of payments for support services. In particular, the board should consider the propriety of a board member also serving as a paid staff member.
4. The coalition's board of directors should establish a nepotism policy relating to the employment of relatives. Specifically, the board should consider the appropriateness of the former board chairperson, who remains the only paid employee other than the executive director, reporting to the executive director, who is her brother.
5. In light of the issues discussed in this report, the coalition's board of directors should consider terminating the employment of the former board chairperson and also prohibiting any activities on her part as a coalition volunteer.
6. The board should review the reasonableness of Mr. Clayton's actions in the matter. In particular, the board should consider the ability of Mr. Clayton to serve as the executive director of the coalition in light of his professed lack of knowledge of all of the controversy surrounding his sister, Ms. Riley, and his failure to properly make any inquiry concerning a formal complaint forwarded to him by the treasurer's office.
7. The board of directors and the related victims' rights organizations should review the purpose of the coalition and whether the victims' rights organizations that interact with the coalition are receiving the appropriate level of support from the coalition.
8. The General Assembly may wish to consider the appropriate level of state funding for the coalition. The General Assembly may also wish to clarify the coalition's mission and scope of involvement in court proceedings.